

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.548 OF 2015

Bistappa Yallappa Bandargali ...Petitioner

Versus

The State of Maharashtra ...Respondent

Mr. Yashpal Thakur for the Petitioner.
Mr. H.J. Dedia, APP for the Respondent-State.

**CORAM: SMT. V.K. TAHILRAMANI &
SMT. ANUJA PRABHUDESSAI, JJ**

DATED: 17th March, 2016

ORAL ORDER: [PER : SMT. V.K. TAHILRAMANI, JJ]

Heard both sides.

2. Rule. By consent rule is made returnable forthwith.
3. The Petitioner preferred an application for furlough. Said application came to be rejected in view of Rule 4 (2) of Chapter XXXVII of the Maharashtra Prison Manual. The said chapter deals with rules of release of prisoners on furlough and parole. The Petitioner has been convicted for offence under section 394 of the IPC. Rule 4 reads as under:-

“4. The following categories of prisoners shall not be considered for release on furlough:-

1....

2. Prisoners convicted of offences under sections 392 to 402 (both inclusive) of the Indian Penal Code.”

4. The Petitioner has been convicted for offence under section 394 of the IPC, therefore Rule 4(2) would apply in such case we cannot find any error in the order of rejection. Hence, rule is discharged.

(SMT. ANUJA PRABHUDESSAI,J.) (SMT. V.K. TAHILRAMANI,J.)